



IN THE EMPLOYMENT TRIBUNAL (SCOTLAND) AT EDINBURGH

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Judgment of the Tribunal in Case No: 4102135/20 (V) (at the instance of two claimants) Heard at Edinburgh on the Cloud Based Video Platform on 29th of January 2021 at 10 am

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Employment Judge J G d'Inverno

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Ms C Gibson

**1st Named Claimant
In Person**

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Julia Kaczmarek

**2nd Named Claimant
In Person**

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**The Retreat Health And
Wellbeing (Peebles) Limited**

**Respondent
Not appearing and not
represented**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Employment Tribunal is:-

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(First) That the 1st and 2nd named claimants were dismissed for reason of redundancy with Effective Dates of Termination; in the case of the 1st named claimant on the 16th of March 2020, and in the case of the 2nd named claimant, on the 19th of March 2020.

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(Second) That the 1st named claimant, Claire Gibson, whose date of birth is the 16th of November 1993 and whose gross weekly wage was £385, whose dates of employment were from the 19th of July 2016 to the 16th of March 2020, had completed three years of service as at the date of her dismissal.

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(Third) That the 1st named claimant is entitled to a statutory redundancy payment equivalent to 3 weeks gross weekly wage, that is 3 x £385 amounting to £1,155; and the respondent shall pay to the 1st named claimant a statutory redundancy payment in the gross sum of £1,155.

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(Fourth) That the respondent having summarily dismissed the 1st named claimant on the 16th of March 2020, shall pay to the 1st named claimant 3 weeks gross pay in lieu of the notice to which she was entitled in terms of section 86(1)(b) of the Employment Rights Act 1996 being (3 x £385) in the sum of £1,155; that payment to be made gross and the claimant to account to Her Majesty's Revenue and Customs for any PAYE and National Insurance contribution due on the notice pay when received.

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(Fifth) That the 2nd named claimant, Julia Kaczmarek, whose date of birth is the 22nd of January 2000, whose gross weekly wage was £336.87, whose dates of employment were from the 6th of January 2019 to the 19th of March 2020 was 20 years of age, and who had accrued more than one month but less than one year's completed service as at the date of her dismissal, has no entitlement to a redundancy payment.

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(Sixth) That the respondent having summarily dismissed the 2nd named claimant on the 19th of March 2020, shall pay to the 2nd named claimant 1 week's gross pay in lieu of the notice to which she was entitled in terms of section 86(1)(a) of the Employment Rights Act 1996, being £336.87, that payment to be made gross and the 2nd named claimant to account to Her Majesty's Revenue and Customs for any PAYE and National Insurance contribution due on the notice pay when received.

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I confirm that this is my Order in the case of Gibson and another v The Retreat Health And Wellbeing (Peebles) Limited and that I have signed the Order by electronic signature.

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Note

A Judgment together with Reasons was delivered orally by the Judge to the claimants at the conclusion of the Hearing. Accordingly no written Note of
10 Reasons is attached to this written copy of the Judgment.

Employment Judge: Joseph d'Inverno
Date of Judgment: 04 February 2021
Entered in register: 05 February 2021
15 and copied to parties

20 **I confirm that this is my Order in the case of Gibson and another v The Retreat Health And Wellbeing (Peebles) Limited and that I have signed the Order by electronic signature.**